

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
at CHATTANOOGA

FILED

JUN 06 2019

In re: Nondisclosure of Subpoena

Case No. 1:19-mj-00097-CHS

U.S. District Court  
Eastern District of Tennessee  
At Chattanooga

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING GOOGLE, LLC NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF SUBPOENA**

The United States requests that the Court order Google, LLC and its parent, affiliated, and subsidiary companies (collectively, “Google” or “Google, LLC”) not to notify any person (including the subscribers or customers of the account(s) listed in the subpoena) of the existence of the attached subpoena for 120 days from the date of the Court’s order.

Google is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained the attached subpoena, which requires Google to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the attached subpoena relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence of the attached subpoena will seriously jeopardize the investigation, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, or notify

confederates. *See* 18 U.S.C. § 2705(b)(2), (3), (5). Some of the evidence in this investigation is stored electronically. If alerted to the investigation, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Google not to disclose the existence or content of the attached subpoena for 12 days from the date of the Court's Order, except that Google may disclose the attached subpoena to an attorney for Google for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed for 120 days or until such other time as the Court may direct. As explained above, these documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted this 6th day of June, 2019.

J. DOUGLAS OVERBEY,  
United States Attorney

By: /s/ Kyle J. Wilson   
Kyle J. Wilson,  
Assistant United States Attorney  
1110 Market Street, Suite 515  
Chattanooga, TN 37402  
(423) 752-5140

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**U.S. DEPARTMENT OF JUSTICE/DRUG ENFORCEMENT ADMINISTRATION  
SUBPOENA**

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In the matter of the investigation of  
Case No: KX-18-0042  
Subpoena No. KX-19-667890

**TO:** Google, Inc.  
AT: Custodian of Records 1600 Amphitheatre Parkway Mountain View, CA 94043

**PHONE:** 6502533425  
**FAX:** WebForm

**GREETING:** By the service of this subpoena upon you by Special Agent Derek R. Brown who is authorized to serve it, you are hereby commanded and required to appear before Special Agent Derek R. Brown, an officer of the Drug Enforcement Administration to give testimony and to bring with you and produce for examination the following books, records, and papers at the time and place hereinafter set forth:

Pursuant to an investigation of violations of 21 U.S.C. 801 et seq. you are to provide the following information related to email account "wmccall02@gmail.com" and associated accounts to include: a) customer name and other user name(s); b) addresses; c) records of session times and durations; d) length of service (including start date) and types of service used; e) telephone or instrument number or other subscriber number or identity, including any temporarily assigned network address; and f) means and source of payment for such service (including any credit card, debit card or bank account numbers). Cable operators, however, are not to provide records revealing cable subscribers' selections of video programming.

Please do not disclose the existence of this request or investigation for an indefinite time period. Any such disclosure could impede the criminal investigation being conducted and interfere with the enforcement of the Controlled Substances Act.

Please direct questions concerning this subpoena and/or responses to Acting Group Supervisor Derek R. Brown, 423-855-6600.

Place and time for appearance: At 5751 Uptain Rd Suite 417 Chattanooga TN 37411 United States on the 17th day of June, 2019 at 09:00 AM. In lieu of personal appearance, please email records to derek.r.brown@usdoj.gov or fax to 423-855-6608.

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Failure to comply with this subpoena will render you liable to proceedings in the district court of the United States to enforce obedience to the requirements of this subpoena, and to punish default or disobedience.

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Issued under authority of Sec. 506 of the Comprehensive Drug Abuse Prevention and Control Act of 1970, Public Law No. 91-513  
(21 U.S.C. 876)

**ORIGINAL**

Signature:   
William C. Wise  
Group Supervisor

Issued this 6th day of Jun 2019

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FORM DEA-79

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**U.S. DEPARTMENT OF JUSTICE/DRUG ENFORCEMENT ADMINISTRATION  
SUBPOENA**

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Case No: KX-18-0042  
Subpoena No. KX-19-667890

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**ATTESTED COPY**

Signature:   
William C. Wise  
Group Supervisor

Issued this 6th day of Jun 2019

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FORM DEA-79

Department of Justice  
Drug Enforcement Administration

**FAX Transmittal Sheet for DEA Sensitive Information Only**

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06/06/2019

Transmission Date (mm/dd/yyyy)

Number of pages being Transmitted \_\_\_\_\_  
(Including this transmittal sheet)

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Subpoena Nbr. KX-19-667890 Case Nbr. KX-18-0042

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**TO:** Google, Inc.

ATTN: Custodian of Records 1600 Amphitheatre  
Parkway Mountain View, CA 94043

**From:** Drug Enforcement Administration  
ATTN: Acting Group Supervisor Derek R. Brown  
At: 5751 Uptain Rd Suite 417 Chattanooga TN 37411 United  
States  
Phone: 423-855-6600  
Fax: 423-855-6608

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**Additional Comments**

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